

Message Text

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ACTION VOE-00

INFO OCT-01 ARA-16 ISO-00 CIAE-00 FBIE-00 INSE-00 NSAE-00

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R 261821Z OCT 73

FM AMEMBASSY NASSAU
TO SECSTATE WASHDC 4797

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E. O. 11652: N/A

TAGS: CVIS SREF BF

SUBJ: REFUGEE, GERALDO CHARLES, BORN OCTOBER 16, 1938,
SANTIAGO, CUBA

BEGIN SUMMARY: 1) EMBASSY RECEIVED REQUEST FOR ASSISTANCE FROM DR. JOSEPH MORGER, REPRESENTATIVE IN BAHAMAS OF UN HIGH COMMISSIONER FOR REFUGEES ON BEHALF OF GERALDO CHARLES. 2) EMBASSY REQUESTS THE DEPARTMENT'S ADVICE AS TO APPROPRIATE ACTION END SUMMARY.

1. GERALDO CHARLES ESCAPED FROM CUBA IN 1969 AND CAME TO THE BAHAMAS SURREPTITIOUSLY WITHOUT DOCUMENTATION. HE HAS BEEN IN THE BAHAMAS EVER SINCE WITHOUT ACQUIRING LEGAL IMMIGRATION STATUS.

2. IN OCTOBER 1972 CHARLES WAS ARRESTED AND CONVICTED OF RECEIVING STOLEN GOODS AND SENTENCED TO THREE MONTHS IMPRISONMENT AT FOX HILL PRISON NASSAU. VALUE OF GOODS WAS LESS THAN DOLS 100. HOWEVER, CHARLES WAS NOT RELEASED ON COMPLETION OF HIS PRISON TERM AS HE IS SUBJECT TO A DEPORTATION ORDER ISSUED BY BAHAMAS IMMIGRATION DEPARTMENT. HE THUS APPEARS DOOMED TO INDEFINITE DETENTION.

3. CHARLES' CASE ORIGINALLY CAME TO THE EMBASSY'S ATTENTION IN EARLY 1973 WHEN HE WROTE FROM PRISON EXPRESSING DESIRE TO LIVE IN THE UNITED STATES. EMBASSY CONCLUDED CHARLES MUST BE CONSIDERED INTENDING IMMIGRANT AND SENT HIM PACKET 1 VISA UNCLASSIFIED

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INFORMATION. HE RETURNED FS-497 QUESTIONNAIRE WHICH INDICATED

CATED HE WOULD NEED TO QUALIFY ON BASIS LABOR CERTIFICATION AS HE HAD NO RELATIVES IN USA. EMBASSY THEN INSTRUCTED CHARLES TO ASK HIS PROSPECTIVE EMPLOYER, MICHAEL TUFARO, 5224 QUINCY DRIVE, MATARIAE, LOUISIANA TO FILE APPLICATION FOR ALIEN EMPLOYMENT CERTIFICATION IN US. APPROVED LABOR CERTIFICATION HAS NOT YET ARRIVED. EVEN IF LABOR CERTIFICATION IS GRANTED, CHARLES WILL STILL BE FACED WITH A WAITING PERIOD OF APPROXIMATELY TWO YEARS BEFORE VISA NUMBERS WOULD BE AVAILABLE FOR HIS PRIORITY DATE.

4. DR. MORGER IS NOW NEGOTIATING WITH GCOB IN AN EFFORT TO GET CHARLES RELEASED FROM PRISON. MORGER STATES GCOB WANTS ASSURANCES THAT CHARLES WILL BE ADMITTED INTO ANOTHER COUNTRY SHORTLY AFTER HIS RELEASE. AS CHARLES WISHES TO LIVE IN US, MORGER BELIEVES US GOVERNMENT OUGHT TO BE ABLE TO FACILITATE THAT REQUEST IN KEEPING WITH THE SPIRIT OF THE REFUGEE CONVENTION. WHEN CONSULAR OFFICER POINTED OUT US IMMIGRATION LAWS PREVENTED EARLY ISSUANCE OF AN IMMIGRANT VISA, MORGER OPINED THERE MUST BE SOME SORT OF EXCEPTION WHICH COULD BE MADE. HE SUGGESTED ISSUING A US VISITOR VISA MIGHT BE SUITABLE STOP-GAP SOLUTION AS MORGER WOULD SEE TO IT CHARLES OBTAINED A TRAVEL DOCUMENT.

5. OBVIOUS ANSWER TO DR. MORGER IS THAT 1) IMMIGRANT VISA IS CLEARLY IMPOSSIBLE, 2) CHARLES IS NOT A TOURIST AND IS THEREFORE INELIGIBLE FOR NIV AND 3) EMBASSY UNABLE ISSUE PAROLE DOCUMENTATION. WE BELIEVE INSTINCTIVELY, HOWEVER, THAT THIS IS NEITHER JUST NOR RESPONSIVE, AND THAT THE MERITS OF THE CASE, I.E., THAT CHARLES WILL REMAIN INDEFINITELY IN JAIL IN THE BAHAMAS UNLESS THE US DOES SOMETHING, REQUIRES A MORE IMAGINATIVE ANSWER. WE THINK THIS MIGHT BE FOUND WITHIN PAROLE PROCEDURES, PARTICULARLY IF EMBASSY COULD BE AUTHORIZED EITHER 1) TO ISSUE PAROLE DOCUMENTATION OR 2) GUARANTEE GCOB THAT SUCH DOCUMENTATION WOULD BE ISSUED TO CHARLES UPON HIS ARRIVAL IN THE US. PLEASE ADVISE AS SOON AS POSSIBLE.

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